



City Council Agenda

Council President
Ken Steitz

Councilmembers

Tom Boyajian
Garry Bredefeld
Chris Mathys, Acting Council President

Henry Perea
Sal Quintero
Daniel Ronquillo

City Manager
Jeffrey M. Reid

City Clerk
Rebecca E. Klisch

City Attorney
Hilda Cantú Montoy

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 498-1321

The City Council welcomes you to this meeting.

TUESDAY, SEPTEMBER 21, 1999

IF YOU WOULD LIKE TO SPEAK, FILL OUT A SPEAKER REQUEST FORM AVAILABLE FROM THE CITY CLERK'S OFFICE AND IN THE COUNCIL CHAMBERS. THE AGENDA IS AVAILABLE ON (www.ci.fresno.ca.us). THE COUNCIL MEETING CAN ALSO BE HEARD LIVE AT THE SAME WEB SITE ADDRESS.

9:00 A.M. COUNCIL ROLL CALL

Invocation by Pastor Ken Smiley from the Second Baptist Church

Pledge of Allegiance to the Flag

Presentation of Resolutions of Commendation to The 1999 Portraits of Success Recipients - Councilmember Ronquillo

Proclamation of "NONPROFIT BOARD DAY" - Councilmember Ronquillo

Presentation of Certificates of Appreciation to Trigger Lock Distribution Project Volunteers - Councilmember Bredefeld

Presentation of Resolution of Commendation to 12 Firefighters from Belgium

Proclamation of "DR. PAUL LAGO DAY" - Acting President Mathys

COUNCIL ACTION OF UNSCHEDULED ITEMS, IF ANY, SHALL BE LIMITED TO REFERRING THE ITEM TO STAFF FOR A REPORT AND POSSIBLE SCHEDULING ON A FUTURE COUNCIL AGENDA FOR EACH MATTER CONSIDERED BY THE COUNCIL, THERE WILL FIRST BE A STAFF PRESENTATION, FOLLOWED BY A PRESENTATION FROM THE PROJECT APPLICANT. TESTIMONY FROM THOSE IN ATTENDANCE WILL THEN BE TAKEN. ALL TESTIMONY GIVEN WILL BE LIMITED TO THREE MINUTES PER PERSON.

THE THREE LIGHTS ON THE PODIUM NEXT TO THE MICROPHONE WILL INDICATE THE AMOUNT OF TIME REMAINING FOR THE SPEAKER. THE GREEN LIGHT WILL BE TURNED ON WHEN THE SPEAKER BEGINS. THE YELLOW LIGHT WILL COME ON WITH ONE MINUTE REMAINING AND ONE TONE WILL SOUND. THE SPEAKER SHOULD BE COMPLETING THE TESTIMONY BY THE TIME THE RED LIGHT COMES ON AND TWO TONES SOUND, INDICATING THAT TIME HAS EXPIRED.

Approve Council minutes of August 31, 1999

Action Taken:

Approve Agenda

Action Taken:

Adopt Consent Calendar

Action Taken:

TIME SCHEDULED HEARINGS AND MATTERS

10:00 A.M. HEARING to consider Plan Amendment No. 99-11 and Rezoning Application No. R-99-21, filed by DMP Development, for 9.6 acres located on the east side of N. Blythe Avenue between W. Ashlan and W. Dakota Avenues

Action Taken:

1. **RESOLUTION** - Amending the Fresno High-Roeding Community Plan

Action Taken:

2. **BILL** - Amending the Official Zone Map from the AE-5/UGM to the R-2/UGM zone district

Action Taken:

10:15 A.M. HEARING to consider Plan Amendment No. 99-07 and Rezoning Application No. R-99-15, filed by the City of Fresno, for 4.6 acres located on the northwest corner of N. Chestnut and E. Behymer Avenues

Action Taken:

1. **RESOLUTION** - Amending the Woodward Park Community Plan

Action Taken:

2. **BILL** - Amending the Official Zone Map from the AE-20/UGM to the C-P/UGM/cz zone district (*Planning Commission recommendation*)

Action Taken:

3. **BILL** - Amending the Official Zone Map from the AE-20/UGM to the R-P/UGM/cz zone district (*Staff recommendation*)

Action Taken:

****ITEMS SUBJECT TO MAYOR'S VETO OR RECONSIDERATION***

TIME SCHEDULED HEARINGS AND MATTERS CONTINUED

10:30 A.M. WORKSHOP on residential receivership program as an additional tool for code enforcement relating to substandard housing - Councilmembers Boyajian and Ronquillo

Action Taken:

11:00 A.M. Presentation of Fresno Economic Recovery Project Final Report for adoption by City Council - Councilmember Bredefeld

Action Taken:

11:30 A.M. HEARING to consider Rezoning Application No. 99-031, filed by Dirk Poeschel Land Development Services, for 5.70 acres of real property located at 4338 to 4498 E. Ashlan Avenue

Action Taken:

- 1. BILL** - Amending the Official Zone Map to rezone from the M-1/cz zone district to the M-1/cz zone district to remove the condition of zoning which prohibits access to Barton Avenue

Action Taken:

2:00 P.M.#1 **DISCUSSION OF CONTESTED CONSENT ITEMS (IF ANY)**

2:00 P.M.#2 **CLOSED SESSION**

A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION -
Government Code Section 54956.9, Subdivision (b)

Significant Exposure to Litigation:

- 1.** Valley Insurance Company v. City of Fresno
- 2.** Rose K. Jacobsen v. City of Fresno
- 3.** Patriot Homes Fresno v. City of Fresno; Patriot Homes Fresno II v. City

Action Taken:

B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Government Code Section 54956.9, Subdivision (a)

- 1. Case Name:** Brewer v. City of Napa (Amicus Brief)
- 2. Case Name:** City of Fresno v. John Lombardi
- 3. Case Name:** Davidson v. City of Fresno (*Council President Steitz*)

Action Taken:

C. CONFERENCE WITH LABOR NEGOTIATOR - Government Code Section 54957.6

City Negotiator(s): Jeffrey M. Reid, Andrew T. Souza, Jorge Aguiniga

Employee Organization(s): FAPOFA

***ITEMS SUBJECT TO MAYOR'S VETO OR RECONSIDERATION**

Action Taken:

TIME SCHEDULED HEARINGS AND MATTERS CONTINUED

- 3:00 P.M..** Consider offer from Fresno Police Officer's Association and the Deputy Sheriff's Association to purchase, at appraised value, the real property known as the "Merced/Van Ness Building" and parking structure located at 1231 - 1255 Van Ness Avenue and direct staff to commence work necessary to accept the offer - Councilmember Quintero

Action Taken:

- 3:30 P.M.** Approval of social service funding recommendations - Councilmembers Boyajian, Ronquillo and Bredefeld

Action Taken:

- 5:30 P.M.** **HEARING** to consider the appeals of Development Director's approval of Site Plan Review Application No. S-99-89 authorizing a wood products grinding and storage yard on 8.9 acres (with a potential to add 5.6 acres) at the southeast corner of S. Hughes Avenue and W. Whitesbridge Road - Green's Recycling

Action Taken:

1A. GENERAL CONSENT CALENDAR

(ALL CONSENT CALENDAR ITEMS ARE CONSIDERED TO BE ROUTINE AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS REQUESTED, IN WHICH EVENT THE ITEM WILL BE REMOVED FROM THE CONSENT CALENDAR AND CONSIDERED AT 2:00 P.M.)

- 1. * RESOLUTION** - 23rd amendment to AAR No. 99-181 appropriating \$25,000 from a Pacific Bell Foundation Grant for the "Connecting Children and Adults to Technology" Project (*Requires 5 affirmative votes*)

Action Taken:

- 2. RESOLUTION** - Authorizing the filing of an application and execution of all application and contract documents with the Federal Transit Administration (FTA), an operating Administration of the United States Department of Transportation, for Federal Transportation Assistant authorized by 49 U.S.C., Chapter 53, Title 23 United States Code, and other Federal Statutes administered by the Federal Transit Administration (FTA)

Action Taken:

- a. * RESOLUTION** - 27th amendment to AAR No. 99-181 appropriating \$7,863,200 of the 1999 Federal Transit Administration (FTA) Urban Area Formula Grant and \$605,800 of local match reserves (*Requires 5 affirmative votes*)

Action Taken:

- 3. * RESOLUTION** - 1st amendment to PAR No. 99-182 adding five (5) permanent part-time positions to the Fresno Area Express Operations Division

Action Taken:

- 4.** Approval of agreement for the installation and maintenance of bus benches by and between the City of Fresno and Coast United Advertising, Inc., dba Bench Ad Company

Action Taken:

***ITEMS SUBJECT TO MAYOR'S VETO OR RECONSIDERATION**

1A. **GENERAL CONSENT CALENDAR CONTINUED**

5. **RESOLUTION** - Authorizing the purchase of decorative benches and trash receptacles without advertised competitive bidding
Action Taken:
6. Award a contract for one (1) new crew cab combination catch basin truck
Action Taken:
7. Approve Agreement with the Rios Company for promotional services for the Fresno Millennium 2000 celebration and authorize the City Manager to execute agreement on behalf of the City
Action Taken:
8. **RESOLUTION** - Rescinding approval of Resolution No. 99-16, Rezone Application No. R-98-30, through Ordinance No. 99-4 and Resolution No. 99-17 authorizing Variance No. 98-22 and Plan Amendment No. A-98-18 in settlement of Sunnyside Property Owners Association, and Sunnyside Village Homeowners Association, v. City of Fresno, David Ochoa, Real Property in Interest Litigation
Action Taken:
9. **RESOLUTION** - Dedicating certain City-owned property for public street purposes, property located at Maple-Shepherd Neighborhood Park at the southeast corner of Maple and Shepherd Avenues
Action Taken:
10. Approve amendment to agreement with Camp, Dresser & McKee, Inc. for environmental engineering services relating to groundwater remediation activities at the Fresno Sanitary Landfill Superfund Site
Action Taken:
11. Revise Three-Year Underground Utility District Plan
Action Taken:
12. Approve agreement with County of Fresno for construction of street and drainage improvements in Eugenia Avenue from Orange Avenue to Ninth Street
Action Taken:
13. Authorize execution of Senior Citizens Hot Meals Site Management Contract with Fresno-Madera Area Agency on Aging
Action Taken:
14. **RESOLUTION** - Approving Final Map of Tract No. 4826, Phase II of Tentative Tract No. 4357/UGM 540 and accepting dedicated public uses therein, a 45-lot single-family residential planned development subdivision located on the northwest corner of W. Corona and W. Sierra Avenues between N. Polk and Hayes Avenues
Action Taken:

****ITEMS SUBJECT TO MAYOR'S VETO OR RECONSIDERATION***

1A. **GENERAL CONSENT CALENDAR CONTINUED**

15. Consideration of alignment and width of proposed public street for a commercial/industrial development proposed by DeWayne Zinkin on the northwest corner of N. Blackstone and W. Alluvial Avenues

Action Taken:

16. * **RESOLUTION** - 2nd amendment to Salary Resolution No. 99-175 retitling, deleting and amending the rates of compensation for certain classes in the Non-Supervisory Groups and Crafts, Management, Non-Confidential and Non-Supervisory White Collar Units

Action Taken:

- a. * **RESOLUTION** - Establishing a pay relationship for a deleted class with an existing class for the purpose of calculating retirement benefits pursuant to Fresno Municipal Code Section 2-1603.1

Action Taken:

17. * **RESOLUTION** - 30th amendment to AAR No. 99-181 appropriating \$2,025,500 for the construction of the Convention Center Exhibit Hall Expansion Project (***Requires 5 affirmative votes***)

Action Taken:

1B. **CONSENT CALENDAR - BILLS FOR INTRODUCTION - PINK TABS**

2. **PLANNING AND ZONING ADMINISTRATION**

3. **GENERAL ADMINISTRATION**

- A. Approval of responses regarding the 1998-99 Grand Jury Report

Action Taken:

4. **CITY ATTORNEY**

5. **CITY COUNCIL**

- A. Approve appointment of Ardell Barnes to the San Joaquin River Conservancy Board - Councilmember Perea (***for adoption***)

Action Taken:

- B. * **RESOLUTION** - 25th amendment to AAR No. 99-181 appropriating \$500 from District 7's general fund infrastructure budget to fund a non-infrastructure related project for the Fresno Arts Council - Councilmember Perea (***Requires 5 affirmative votes***)

Action Taken:

- C. **RESOLUTION** - Authorizing the one-time sale of certified safe and sane fireworks from December 27, 1999 to December 31, 1999, within the guidelines of AB 2090 - Councilmember Ronquillo

Action Taken:

****ITEMS SUBJECT TO MAYOR'S VETO OR RECONSIDERATION***

5.

CITY COUNCIL ITEMS CONTINUED

- D. Proposed appointment of Tim K. Hensleit to the Tower District Design Review Committee - Councilmember Boyajian (*for introduction*)
Action Taken:
- E. Consider approval for a Council override vote of Resolution No. 99-264 vetoed by Mayor Patterson on September 13, 1999 (*Council action to override Mayoral veto requires 5 affirmative votes*) - Councilmember Boyajian
Action Taken:
1. **RESOLUTION NO. 99-264** - 13th amendment to AAR No. 99-181 adjusting revenues and appropriations in the various Council district infrastructure funds based on the unexpended funds in FY 99 Council Infrastructure Budgets
Action Taken:
- F. Direct City Manager to have “No Bicycle Riding On Sidewalk” signs installed on the 3400 block of Ventura on the north side of the street - Councilmember Quintero
Action Taken:
- G. Direct City Attorney to conduct an extensive financial background check of the Fresno Diamond Group and stockholders having over 10% ownership in the Diamond Group prior to entering into negotiations for a different financing plan - Acting President Mathys
Action Taken:
- H. * **RESOLUTION** - 24th amendment to AAR No. 99-181 appropriating \$5,000 from a donation from Derrel’s Mini Storage, Inc. for the handicap ramp at the dog park located at El Capitan and Alamos (*Requires 5 affirmative votes*) - Acting President Mathys
Action Taken:
- I. * **RESOLUTION** - 28th amendment to AAR No. 99-181 appropriating \$9,500 of District 7’s general fund infrastructure budget to fund non-infrastructure related project to purchase computers for Fresno area schools (*Requires 5 affirmative votes*) - Councilmember Perea
Action Taken:
- J. * **RESOLUTION** - 29th amendment to AAR No. 99-181 appropriating \$1,000 from District 3’s general fund infrastructure budget to fund a non-infrastructure related project for the Fresno Arts Museum (*Requires 5 affirmative votes*) - Councilmember Ronquillo
Action Taken:
- K. Proposed appointment of Catherine Medina to the Human Relations Commission - Council President Steitz (*For introduction*)
Action Taken:
- L. Proposed appointment of Maiya Yang to the Human Relations Commission - Councilmember Perea (*For introduction*)
Action Taken:
- M. Direct City Manager or designee to complete study for upgrade of the Selland Arena - Councilmember Perea
Action Taken:

***ITEMS SUBJECT TO MAYOR’S VETO OR RECONSIDERATION**

6. **CITY/COUNTY INTERGOVERNMENTAL RELATIONS**

7. **UNSCHEDULED ORAL COMMUNICATIONS** - You may address the City Council at the conclusion of the Council meeting regarding items that are not listed on the agenda. The policy is to limit your presentation to three (3) minutes pursuant to Ordinance No. 96-67. Please be present at the conclusion of the meeting if you wish to be heard. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least 10 days prior to the desired date of appearance.

SCHEDULED COUNCIL HEARINGS AND MATTERS

- Sept. 28 - 10:00 A.M.** **HEARING** re: Community Facilities District No. 2, Annexation No. 13
- Sept. 28 - 10:30 A.M.** **HEARING** re: P.A. No. 99-06, Rezone Appl. No. R-99-14, filed by Jeff Roberts representing Granville Homes (*Continue to 9/28/99 @ 5:45 P.M.*)
- Sept. 28 - 11:00 A.M.** **HEARING** re: P.A. No. A-99-10, Rezone Appl. No. R-99-15, filed by Brian Davies on behalf of Highland Enterprises
- Sept. 28 - Noon - 2:00 P.M.** **WORKSHOP** with Planning Commission re: fence issue and code enforcement
- Sept. 28 - 5:45 P.M.** **CONTINUED HEARING** re: P.A. No. 99-06, Rezone Appl. No. R-99-14, filed by Jeff Roberts representing Granville Homes
- Oct. 5 - 9:30 A.M.** **TEFRA HEARING** for Innerspace Industries
- Oct. 5 - 5:45 P.M.** **HEARING** re: P.A. No. A-99-09, Rezone Appl. No. R-99-19, filed by Steve Lutton of Central Pacific Builders, Inc.
- Oct. 12 - NO MEETING - LEAGUE OF CALIFORNIA CITIES CONFERENCE**
- Oct. 19 - 10:00 A.M.** **HEARING** re: P.A. No. A-99-14, Rezone Appl. No. R-99-23, filed by McCaffrey Development
- Oct. 19 - 10:30 A.M.** **HEARING** re: adopting resolution approving the formation of UUD No. 76, Peach Avenue between McKinley and Freeway 180
- Oct. 26 - 9:00 A.M.** Presentation of P.R.I.D.E. Team Certificates
(*Reception immediately following - 2nd floor foyer*)
- Nov. 2 - 10:00 A.M.** Presentation of Employee Service Awards
(*Reception immediately following - 2nd floor foyer*)
- Nov. 23 - NO MEETING - THANKSGIVING WEEK**
- Dec. 21 - NO MEETING - CHRISTMAS WEEK**
- Dec. 28 - NO MEETING - NEW YEAR'S WEEK**

**ITEMS SUBJECT TO MAYOR'S VETO OR RECONSIDERATION*

